

REMARKS

Applicants acknowledge, with appreciation, the Examiner's withdrawal of previous rejections and rejoinder of process claims 9-16. Claims 1-4 and 9-15 are currently pending in this application. Claim 16 has been cancelled without prejudice. This cancellation is being made without waiver of applicants' right to file for and obtain claims directed to this subject matter in a continuing application claiming priority herefrom under 35 U.S.C. § 120. Claims 17-21 have also been cancelled as being directed to non-elected Groups IV-V. Applicants reserve their right to file for and obtain claims to this subject matter claiming priority herefrom under 35 U.S.C. § 121. No new matter is being presented by this amendment.

A. Rejection under 35 U.S.C. § 112, first paragraph

Claim 16 stands rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the crystalline form of tiotropium bromide monohydrate, does not reasonably provide enablement for a pharmaceutical composition containing said form. Without consideration of the propriety of this rejection and solely to advance prosecution, applicants have cancelled claim 16, rendering moot this rejection.

B. Conclusion

In view of the above amendments and remarks, applicants respectfully request that Examiner pass this application to issuance. If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

/wendy petka/

Wendy Petka, Reg. No. 53,459
Attorney for Applicants
BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 791-6614
Facsimile: (203) 798-4408